

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 25, 2005. Upon entry of this response, claims 21, 25, 28 – 30, 32 – 34, 36 – 38, 41 – 43, 45 – 52, and 54 – 62, 65 – 69 are pending in the application. In particular, Applicants amend claim 41 and 61 and cancel claims 39, 40, and 63, 64 without prejudice, waiver, or disclaimer. Applicants cancel these claims merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Cosmetic Claim Amendment

Applicants amend claim 41 by changing “receiving” to “receive” and “outputting” to “output.” Applicants submit that these amendments are cosmetic in nature, and should not be construed to raise prosecution history estoppel.

II. Canceled Claims

The Office Action indicates that claims 39, 40, 63, and 64 are allegedly unpatentable in view of the cited art. Applicants respectfully traverse this rejection, but cancel these claims, and now consider a rejection based on these claims moot.

III. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single cited art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claims 21, 25, 27 – 30, 32 – 34, 36 – 43, 47 – 49, 51, 52, 54 – 64 and 66 – 69 are Patentable Over *Matthews*

1. Claim 21 is Patentable Over *Matthews*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to Matthews (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that Matthews does not disclose, teach, or suggest all of the claimed elements. Claim 21 recites:

A method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising the steps of:

tuning to a first plurality of transmission channels via a plurality of respective tuners;

receiving a first plurality of video programs including a first video program and a second video program via the first plurality of transmission channels, wherein each of the first plurality of video programs comprises a plurality of time-sequential pictures;

outputting the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program and program information related to a third video program;

outputting the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program;

receiving user input; and

responsive to receiving the user input outputting a second plurality of video programs including the third video program and the second video program to the display device, wherein the second video program is displayed in the first video display area of the display device and the third video program is displayed in the second video display area of the display device.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising the steps of... *outputting the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs...* [and] *outputting the program guide data to the display device simultaneously with the first plurality of video programs...*” as recited in claim 21.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “method implemented by a digital home communication terminal (DHCT) for enabling a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising the steps of... ***outputting the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs... [and] outputting the program guide data to the display device simultaneously with the first plurality of video programs...***” as recited in claim 21. Instead, *Matthews* contemplates “retrieve[ing and displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 21 is patentable over *Matthews*.

2. Claim 32 is Patentable Over *Matthews*

The Office Action indicates that claim 32 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. Claim 32 recites:

A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:

receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;

receiving a first user input; and

responsive to receiving the first user input outputting to a display device a television signal comprising of a simultaneous visual presentation of the plurality of video programs with program guide data,

wherein the first and second video programs are located in respective first and second video display areas of the visual presentation and the program guide data includes at least a portion of program information related to the first video program and at least a portion of program information related to the second video program.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... ***responsive to receiving the first user input outputting to a display device a television signal comprising of a simultaneous visual presentation of the plurality of video programs with program guide data...***” as recited in claim 32.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... ***responsive to receiving the first user input outputting to a display device a television signal comprising of a simultaneous visual presentation of the plurality of video programs with program guide data...***” as recited in claim 32. Instead, *Matthews* contemplates “retrieve[ing and

displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 32 is patentable over *Matthews*.

3. Claim 41 is Patentable Over *Matthews*

The Office Action indicates that claim 41 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to *Matthews* (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements.

A digital home communication terminal (DHCT) configured to enable a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising:

a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

memory configured to store executable instructions; and

at least one processor that is programmed by the executable instructions to enable the DHCT to:

output the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs, wherein a first video program is displayed in a first video display area of the display device and a second video program is displayed in a second video display area of the display device;

receive via at least one tuner a program guide data including program information related to the first video program and program information related to the second video program;

output the program guide data to the display device simultaneously with the first plurality of video programs, wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program; and

output, responsive to user input received by the DHCT, a second plurality of video programs including a third video program and the

second video program to the display device, wherein the second video program is displayed in the first video display area of the display device and the third video program is displayed in the second video display area of the display device.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “digital home communication terminal (DHCT) configured to enable a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising... at least one processor that is programmed by the executable instructions to enable the DHCT to: ***output the first plurality of video programs to a display device configured to simultaneously display the first plurality of video programs...*** [and] ***output the program guide data to the display device simultaneously with the first plurality of video programs...***” as recited in claim 41.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “digital home communication terminal (DHCT) configured to enable a user to scroll through a plurality of video programs received via a plurality of transmission channels, comprising... at least one processor that is programmed by the executable instructions to enable the DHCT to: ***output the first plurality of video programs***

to a display device configured to simultaneously display the first plurality of video programs...

[and] *output the program guide data to the display device simultaneously with the first*

plurality of video programs...” as recited in claim 41. Instead, *Matthews* contemplates

“retrieve[ing and displaying] preview media information from an electronic program guide

(EPG) database.” For at least this reason, Applicants respectfully submit that claim 41 is

patentable over *Matthews*.

4. Claim 48 is Patentable Over *Matthews*

The Office Action indicates that claim 48 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to *Matthews* (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. Claim 48 recites:

A method implemented by a digital home communication terminal (DHCT) having a plurality of tuners, comprising the steps of:
receiving a first video program via a first tuner;
receiving a second video program via a second tuner;
receiving via at least one tuner a program guide data including program information related to the first video program and program information related to the second video program;
receiving user input;
outputting the first and second video programs to a display device responsive to receiving the user input; and
outputting at least a portion of program information related to the first and second video programs to the display device responsive to receiving the user input;
wherein the first and second video programs and the program guide data are displayed simultaneously by the display device.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “method implemented by a digital home communication terminal (DHCT) having a plurality of tuners,

comprising the steps of ... ***outputting the first and second video programs to a display device responsive to receiving the user input; and outputting at least a portion of program information related to the first and second video programs to the display device responsive to receiving the user input...***” as recited in claim 48.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “method implemented by a digital home communication terminal (DHCT) having a plurality of tuners, comprising the steps of ... ***outputting the first and second video programs to a display device responsive to receiving the user input; and outputting at least a portion of program information related to the first and second video programs to the display device responsive to receiving the user input...***” as recited in claim 48. Instead, *Matthews* contemplates “retrieve[ing and displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 48 is patentable over *Matthews*.

5. **Claim 54 is Patentable Over *Matthews***

The Office Action indicates that claim 54 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to Matthews (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that Matthews does not disclose, teach, or suggest all of the claimed elements. Claim 54 recites:

A digital home communication terminal (DHCT) configured to enable the simultaneous viewing of video programs and related electronic program guide information, comprising:

a plurality of tuners configured to substantially simultaneously tune to a first plurality of transmission channels carrying a first plurality of video programs including a first video program and a second video program;

at least one tuner configured to receive a program guide data including program information related to the first video program and program information related to the second video program;

memory configured to store executable instructions and the program guide data; and

at least one processor that is programmed by the executable instructions to enable the DHCT to:

output the program guide data and the plurality of video programs simultaneously to a display device responsive to a first user input, wherein the first video program is displayed in a first video display area of the display device and the second video program is displayed in a second video display area of the display device, and wherein at least a portion of the program information related to the first video program is displayed at a location corresponding to the first video program and at least a portion of the program information related to the second video program is displayed at a location corresponding to the second video program.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “digital home communication terminal (DHCT) configured to enable the simultaneous viewing of video programs and related electronic program guide information, comprising ... at least one processor that is programmed by the executable instructions to enable the DHCT to: ***output the program***

guide data and the plurality of video programs simultaneously to a display device responsive to a first user input...” as recited in claim 54.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “digital home communication terminal (DHCT) configured to enable the simultaneous viewing of video programs and related electronic program guide information, comprising ... at least one processor that is programmed by the executable instructions to enable the DHCT to: *output the program guide data and the plurality of video programs simultaneously to a display device responsive to a first user input...*” as recited in claim 54. Instead, *Matthews* contemplates “retrieve[ing and displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 54 is patentable over *Matthews*.

6. Claim 59 is Patentable Over *Matthews*

The Office Action indicates that claim 59 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to *Matthews* (“*Matthews*”).

Applicants respectfully traverse this rejection on the grounds that Matthews does not disclose, teach, or suggest all of the claimed elements. Claim 59, as amended recites:

A DHCT configured to provide a user with program information corresponding to television programs, comprising:

at least one tuner configured to receive a program guide data including program information corresponding to a plurality of television programs scheduled on the first television channel;

at least one tuner configured to receive a plurality of television programs, wherein at least one television programs corresponds to a television program to be broadcast in the future on a first television channel;

a first memory configured to store executable instructions; and

at least one processor that is programmed by the executable instructions to enable the DHCT to output a television signal comprising a simultaneous visual presentation of the plurality television programs and program guide data, wherein at least a portion of the program information corresponding to each respective television program in the plurality of sequential television programs is included in the visual presentation.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “DHCT configured to provide a user with program information corresponding to television programs, comprising... ***at least one processor that is programmed by the executable instructions to enable the DHCT to output a television signal comprising a simultaneous visual presentation of the plurality television programs and program guide data, wherein at least a portion of the program information corresponding to each respective television program in the plurality of sequential television programs is included in the visual presentation,***” as recited in claim 59, as amended.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “DHCT configured to provide a user with program information corresponding to television programs, comprising... ***at least one processor that is programmed by the executable instructions to enable the DHCT to output a television signal comprising a simultaneous visual presentation of the plurality television programs and program guide data, wherein at least a portion of the program information corresponding to each respective television program in the plurality of sequential television programs is included in the visual presentation,***” as recited in claim 59, as amended. Instead, *Matthews* contemplates “retrieve[ing and displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 59, as amended is patentable over *Matthews*.

7. Claim 61 is Patentable Over *Matthews*

The Office Action indicates that claim 61 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent number 5,815,145 to *Matthews* (“*Matthews*”). Applicants respectfully traverse this rejection on the grounds that *Matthews* does not disclose, teach, or suggest all of the claimed elements. Claim 61 recites:

A method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising:

receiving a plurality of video programs substantially simultaneously by tuning to a plurality of transmission channels via a plurality of respective tuners, the plurality of video programs including a first video program and a second video program, wherein the first and second video programs each comprise a plurality of time-sequential pictures;

receiving via a tuner a program guide data including program information related to the first video program and program information related to the second video program;

configuring a memory to output the first plurality of video programs;

configuring an output buffer in the memory with the first video program and the second video program;

configuring the output buffer with a plurality of program information sections including a first program information section for at least a portion of the program information related to the first video program and a second program information section for at least a portion of the program information related to the second video program;

configuring the location of the video section and program information section in the output buffer for each respective video program; and

outputting the output buffer to a display device.

Applicants submit that *Matthews* fails to disclose, teach, or suggest a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... ***configuring a memory to output the first plurality of video programs; configuring an output buffer in the memory with the first video program and the second video program...*** [and] ***outputting the output buffer to a display device,***” as recited in claim 61.

As clearly illustrated in FIG. 5 of *Matthews*, the “tune to the selected programming” step 132 is different from the “retrieve the preview media information” step 134. Similarly, as stated in column 6, beginning line 35 of *Matthews*:

Process block 134 indicates that central control node 12 retrieves preview media information from an electronic program guide (EPG) database within central control node 12 or, alternatively, from memory 68 of station controller 20. The preview media information indicates whether

the preview or display imagery available for the selected programming of focused video program title 102a includes a multi-frame video clip or segment of or relating to the selected program or a still image of or relating to the selected programming.

As shown, *Matthews* does not contemplate a “method for enabling the simultaneous viewing of video programs and related electronic program guide information, comprising... *configuring a memory to output the first plurality of video programs; configuring an output buffer in the memory with the first video program and the second video program...* [and] *outputting the output buffer to a display device,*” as recited in claim 61. Instead, *Matthews* contemplates “retrieve[ing and displaying] preview media information from an electronic program guide (EPG) database.” For at least this reason, Applicants respectfully submit that claim 61 is patentable over *Matthews*.

B. Claims 25, 28 – 30, 33 – 34, 36 – 38, 42 – 43, 45, 47, 49, 51 – 52, 55 – 60, 62, and 66 – 69 are Patentable Over *Matthews*

In addition, dependent claims 25, 28 – 30 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 21. Dependent claims 33 – 34 and 36 – 38 are believed to be allowable for at least the reason that they depend from allowable independent claim 32. Dependent claims 42 – 43, 45, and 47 are believed to be allowable for at least the reason that they depend from allowable independent claim 41. Dependent claims 49, 51 – 52 are believed to be allowable for at least the reason that they depend from allowable independent claim 48. Dependent claims 55 – 58 are believed to be allowable for at least the reason that they depend from allowable independent claim 54. Dependent claims 60, 62, and 65 – 69 are believed to be allowable for at least the reason that

these claims depend from allowable independent claim 59. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, “[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. Claim46 is Patentable Over *Matthews* in View of *Meyer*

The Office Action indicates that claim 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Matthews* in view of U.S. patent number 4,809,069 to Meyer (“*Meyer*”). Applicants respectfully traverse this rejection for at least the reason that *Matthews* in view of *Meyer* fails to disclose, teach, or suggest all of the elements of claim 46. More specifically, dependent claim 46 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 41.

B. Claim 50 is Patentable Over *Matthews* in View of *Alexander*

The Office Action indicates that claim 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Matthews* in view of U.S. patent number 6,177,931 to Alexander (“*Alexander*”). Applicants respectfully traverse this rejection for at least the reason that *Matthews* in view of *Alexander* fails to disclose, teach, or suggest all of the elements of claim 50. More specifically, dependent claim 50 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 48.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 21, 25, 28 – 30, 32 – 34, 36 – 38, 41 – 43, 45 – 52, and 54 – 62, 65 – 69 be allowed to issue. Although some dependent claim rejections and some obviousness rejections are explicitly addressed above, the omission of arguments for other claims is not intended to be construed as an implied admission that the Applicants agree with the rejection or finding of obviousness for the respective claim or claims.

In addition, any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. Any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If the Examiner has any questions or comments regarding this response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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